

Exhibit S

NO. 2011-54902

ZAYTOON ZEEBA PAKSIMA § IN THE DISTRICT COURT OF
§
Plaintiff, §
§
v. §
§ HARRIS COUNTY, TEXAS
GMAC MORTGAGE, LLC FKA §
GMAC MORTGAGE CORPORATION §
AND ELBAR INVESTMENTS, INC. §
§
Defendants. § 152ND JUDICIAL DISTRICT

ORDER ON MOTION TO SEVER AND TO RETAIN

CAME ON for consideration the Motion to Sever and to Retain (the “Motion”) filed by Plaintiff Zaytoon Zeeba Paksim (‘Plaintiff’ or ‘Paksim’). Having considered the Motion, the response, if any, the pleadings, and arguments of counsel, the Court finds Plaintiff’s Motion to Sever meritorious and finds that there exists good cause for the case to be maintained on the docket and should be GRANTED. It is therefore

1. **ORDERED**, that Plaintiff’s Motion to Retain is GRANTED and all causes of action against GMAC MORTGAGE, LLC FKA GMAC MORTGAGE CORPORATION shall remain subject to the stay in its bankruptcy proceeding. It is further
2. **ORDERED**, that Plaintiff’s Motion to Sever is GRANTED and the District Clerk shall assign the severed action under the separate cause number of 2011-54902-A and styled Zaytoon Paksim v Elbar Investments, Inc., et al, in the 152nd Judicial District Court of Harris County, Texas, copy the following documents, and include them in that file and Plaintiff will bare the costs and expenses for same:

- a) Plaintiff’s Second Amended Petition and Application for Temporary Restraining Order and Temporary Injunction (Document No. 50427561) along with relevant Exhibit I (Document No. 50427563), Exhibit II (Document No. 50427564, Exhibit III (Document No. 50427565) and the Proposed Order (Document No. 50427562);

- b) Original Answer of Elbar Investments Inc. (Document No. 50822206);
- c) Elbar Investment's, Inc.'s Original Third Party Claim Against U.S. Bank National Association, as Trustee for RASC 2005KSII, Original Counter Claim Against Zaytoon Zeeba Pakshima and Original Cross Claim Against GMAC Mortgage Corporation (Document No. 51029277);
- d) Elbar Investment's, Inc.'s Original Third Party Claim Against U.S. Bank National Association, as Trustee for RASC 2005KSII, Original Counter Claim Against Zaytoon Zeeba Pakshima and Original Cross Claim Against GMAC Mortgage Corporation (Document No. 51028947);
- e) GMAC Mortgage, LLC's Answer and Affirmative Defenses to Elbar Investment's Cross Claim and U.S. Bank National Association's Answer to Elbar Investment's Third Party Claim (Document No. 51249060);
- f) Reporter's Certification Deposition of Sandra L. Dasigenis (Document No. 51702832);
- g) Reporter's Certification Deposition of Audrey Lewis (Document No. 51702615);
- h) A copy of the docket sheet in Cause No. 2011-54902.
- i) A copy of this order.

SIGNED on _____, 2015.

Signed: 
11/12/2015

PRESIDING JUDGE

And APPROVED AS TO FORM:

/s/ Allan G. Levine by permission

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